

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

**FRANKFORD M. SEWELL,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

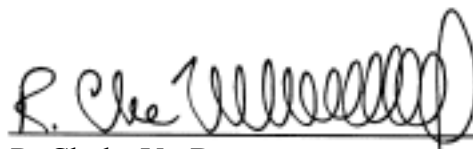
**CIVIL ACTION NO. 5:07-00642**

**MEMORANDUM OPINION AND ORDER**

On May 2, 2008, the Court remanded the instant case to the Commissioner for further proceedings pursuant to the sixth sentence of Section 405(g) of the Social Security Act, 42 U.S.C. § 405(g), for the purpose of locating and preparing the administrative record. (Doc. No. 13.) On May 27, 2008, the Commissioner, by counsel, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, filed a Motion to Vacate Remand Order, Reinstate Case, and File Answer. (Doc. No. 14.) The Commissioner informs the Court that "[t]he claim file has now been located and, therefore, the Commissioner is now ready to proceed in this action." (*Id.* at 1.) Accordingly, for good cause shown, it is hereby **ORDERED** that the Commissioner's Motion (Doc. No. 14.) is **GRANTED** and the Court's Order of May 2, 2008, is **VACATED**. The Clerk is directed to **REINSTATE** this action to the Court's active docket and to **FILE** the Commissioner's Answer, which is attached to his Motion.

The Clerk is directed to provide copies of this Order to counsel of record.

ENTER: May 28, 2008.

  
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R. Clarke VanDervort  
United States Magistrate Judge